IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.791 OF 2005
IN
CHAMBER SUMMONS NO.1727 OF 2004
IN
EXECUTION APPLICATION NO.405 OF 2004
IN
ARBITRATION CSE NO.ARB/SCB/226 OF 2004

The Saraswat Co-Operative Bank Ltd. .. Appellant
Vs.
M/s.Jayant Industrial Packaging Ltd. & Ors. .. Respondents

Mr.Y.R.Naik, Senior Advocate i/b. Prashant Naik for the Appellant.
Mr.J.P.Shah i/b. A.S.Khan & Associates for the Respondents.

CORAM : DR.S.RADHAKRISHNAN & S.J.VAZIFDAR, JJ.

DATE : 26TH JULY,2006.

P.C.:

1. Heard the learned Counsel for the parties. The learned Counsel for the parties categorically state that during the pendency of the Appeal, a final Award has already been passed and the same is also under challenge before the Learned Single Judge in a separate petition. In view thereof, the Appeal has become infructuous. The learned Counsel for the Appellant, therefore, seeks leave to withdraw the above Appeal. Hence, the Appeal is allowed to be withdrawn and dismissed as such. However, the issue whether Arbitrator can pass an order of attachment before judgment is kept open.

(DR.S.RADHAKRISHNAN,J.)

(S.J.VAZIFDAR,J.)